

ATTACHMENT 7
CORRESPONDENCE FROM PUBLIC



Shorepoint Insurance Services

1120 Bristol Street, Costa Mesa, California 92626 • CA Lic 0247753
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February 9, 2015

Claire Flynn
Asst. Developmental Services Director
City of Costa Mesa
77 Fair Dr.
Costa Mesa CA 92628

Re: Ganahl Lumber proposed relocation to 1100 Bristol St.
Planning Application No. PA-14-40

Dear Ms. Flynn:

As the owner of both the building and business located at 1120 Bristol St., I object to the Ganahl Lumber store relocation based on the following:

The addition of this busy retail/contractor business will add to the already terrible congestion on Bristol St. during the commute hours. It is nearly impossible to turn out of our driveway Northbound on Bristol.

The noise of the large construction vehicles and equipment used to move lumber, will be disruptive to our business.

The appearance/view of the facility with elevated parking and a 32' sign detracts from the quiet office park we purchased in 2004 and occupy.

We hope that you will consider the impact this busy retail location will have on the neighbors and not grant this relocation.

Very truly yours,

Ray Markley, President
Owner of Shorepoint Insurance Services
Owner of 1120 Bristol, Costa Mesa

1072 Bristol Partners, LP

1072 Bristol Street, Suite 100

Costa Mesa, CA 92626

February 19, 2015

VIA E-MAIL & FACSIMILE

Claire Flynn, Asst. Development Services Director
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

Re: Comment to Initial Study/Mitigated Negative Declaration for the
proposed Ganahl Lumber Project

Dear Ms. Flynn:

I am an owner representative of the ownership of 1072 Bristol Street. Our property is across Bristol from the proposed Mega Ganahl Lumber project.

We are not being provided with adequate information about this giant project right across the street. What is referred to as "The Initial Study/Mitigated Negative Declaration" does not come close to addressing the many impacts of the Mega Ganahl. A great deal of it is false. What remains is inadequate. The "conclusions" asserted are not made in good faith.

The "analysis" regarding land use is based on many wrong assumptions. A fundamental wrong assumption is that the Mega Ganahl is permitted under the City's zoning. It does not come close.

The traffic "analysis" is also totally inadequate and seems to be purposefully so. It fails to address the traffic impacts on the south side of Bristol.

The aesthetics "analysis" is also not adequate.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe E. Miller", with a stylized flourish at the end.

Joseph E. Miller



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February 23, 2015

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REFER TO FILE NO
36650-003

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PATRICK A. HENNESSEY	CHADWICK C. BUNCH
DON FISHER	ANISH J. BANKER
GREGORY N. WEILER	RYAN M. PRAGER
WARREN A. WILLIAMS	ERIN BALSARA NADERI
JOHN R. LISTER	ERICA M. SOROSKY
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RONALD M. COLE	ERIN K. OYAMA
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*A PROFESSIONAL CORPORATION

VIA E-MAIL

Planning Commissioners
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

Re: Objection to the Proposed Ganahl Lumber Project

Dear Honorable Members of the Costa Mesa Planning Commission:

This office represents the ownership of the 1072 Bristol Street property--1072 Bristol Street Partners, LP (1072 Bristol).

1072 Bristol objects to the proposed very large Ganahl Lumber Project directly across Bristol. We request that this letter be included in the administrative record for this project.

The public has not been provided correct or adequate information about this mega-lumber yard project. In reviewing the Staff Report, the Staff Report omits material and fundamental information. Further, it lacks analysis and support. In many areas, the words that are strung together are bureaucratese. The mega Ganahl simply does not comply with the City's Zoning Code.

This Planning Commission is required to apply the Zoning Code even if it receives an inadequate Staff report. The number of years a company has been in business is no

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justification for non-compliance with a request to build a mega project (as the Staff Report ridiculously seems to suggest).

Here, this applicant is seeking to be excused from compliance with nearly all of the requirements of the Zoning Code. The use is not permitted in the zone. The buildings proposed are far too big. There is woefully insufficient parking and the buildings are too close to the street.

Staff seems to focus the Ganahl business as a justification for wholesale noncompliance with the City's code. There is no "likeability" exception. The City cannot award a privilege or series of privileges to the applicant.

This applicant is requesting that the Planning Commission approve a project that requires the City to essentially disregard the Zoning Code, while there is a pretense of compliance.

Based upon the actual requirements of the City's Zoning Code, this is not a close call. The proposed Ganahl mega lumber yard project should be denied.

1. **The lumber yard project does not comply with the City's C1 Zoning.**

Without any analysis, the Initial Study/Mitigated Negative Declaration for this project and the Staff Report claim that the proposed lumber yard complies with the City's C1 zoning. It does not even come close.

This is a lumber yard. Ganahl Lumber is a lumber company. It is a lumber and building materials dealer. A significant component of the project is a request for a **sawmill**. A retail use under the zoning code does not include or allow lumber yards or sawmills.

The Initial Study/Mitigated Negative Declaration spins the project as a "hybrid" use. There is no "hybrid" use in the Municipal Code.

At best, the Ganahl lumber yard mega project is a lumber yard with an ancillary retail use--not the other way around. This is evident by the proposed site configuration and design and the building layout.

It is evident by the proposed location and distribution of parking. Retail uses do not provide a significant number of parking spaces behind guard gates or on a roof of a

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building. There are less than 50 surface parking spaces that are not behind guard gates for a 65,263 square-foot "retail" building. That is a parking ratio of .75 spaces for every 1,000 square-feet of the "retail" building--a far cry from the City's 4 spaces for every 1,000 square-feet of retail requirement (this ratio is even more egregious when considering the rest of the proposed buildings in the calculation).

Further, the Staff Report admits that the City's Municipal Code does not provide a parking requirement for lumber yards. (Staff Report, p. 13.) This proves that this is not retail--this is a lumber yard. A lumber yard is not permitted.

2. **The Staff Report does not inform the Planning Commission of the proposed modifications to be made to Bristol that will impact access to the properties on the south side of Bristol.**

One of the aspects of Ganahl's mega lumber yard project that is completely absent from the Staff Report (and the conditions of approval) are the proposed changes to be made to Bristol.

The Initial Study/Mitigated Negative Declaration provides *some* information regarding the modifications. Even then, the information provided lacks detail and analysis.

From the little information provided, the Ganahl lumber yard project will make significant modifications to Bristol in order to accommodate the two new entrances to the Ganahl property.

Instead of taking access from the existing curb-cut at the middle of the property, Ganahl is proposing two new access points on Bristol. To provide access to those two new proposed access points, there will be modifications made to Bristol (changes to the Newport Blvd./Bristol intersection and a dedicated left-turn in to the new driveway at the east end of the property from Bristol).

Those modifications will negatively impact access to the properties on the south side of Bristol including the 1072 Bristol property for vehicles travelling west on Bristol. Yet, no information was provided in the Staff Report of these modifications and neither

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the Staff Report or the Initial Study/Mitigated Negative Declaration analyze or discuss the impacts to the properties opposite the proposed Ganahl lumber yard site.

3. **The proposed building setback variance does not comply with the Zoning Code requirements for a variance.**

This project requests a very large variance from the building setback requirements in the Zoning Code. The variance is not justified. There are no special circumstances to justify this significant of a variance. Approving a variance here would provide a privilege to Ganahl. The proposed variance is inconsistent with other properties in the area. As such, the Planning Commission cannot make the required findings.

The Staff Report attempts to justify the variance from the setback requirements by comparing the proposed project to the 1072 Bristol property and the property located at 1182 Bristol Street claiming that both of these properties have less than the 20 foot landscape requirement. (Staff Report, p. 10.)

The comparison fails for a number of reasons. One of the more significant reasons is the amount of building that is being proposed in the setback area. The comparison properties (1072 and 1182) each have less than 50 lineal feet of building in the required setback area. The Ganahl project plans to put nearly 450 lineal feet of building (without any break), a building that is already oversized (proposed with an objectionable height variance), in the required setback area. Allowing a height variance and a setback variance for a building with a use not allowed by the C-1 zoning, spanning nearly four-and-a-half football fields of frontage on Bristol is not comparable to the 1072 and 1182 Bristol properties.

4. **The proposed height variance does not comply with the Zoning Code requirements for a variance.**

The requested variance from the height standards is not justified. There are no special circumstances requiring the variance. Rather, the "special circumstance" cited by the Staff Report is the use that is not permitted by the Zoning Code.

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Further, the condition of approval that provides that the B-shed, that requires a height variance, can later install "rooftop solar canopies" that will increase the height of the B-Shed even further, through a simple approval from the Development Services Director is also not supported.

5. **Approval of the signage that doubles the height allowed by the Zoning Code provides a privilege to Ganahl.**

There is no justification for the Planned Sign Program that proposes to approve a 24-foot high freestanding sign--a 100 percent increase from what is allowably by the City Code. The Staff Report's claim that the approval "will not constitute a grant of special privilege or allow substantially greater overall visibility" is without support.

6. **The Staff Report does not explain what the CUP is required for. There is no evidence to support the approval of the proposed CUP.**

Generally, a Staff Report will clearly state what use requires a CUP. Here, the Staff Report makes no such statement. The use proposed for the CUP is not permitted in the C1 zone. There is no analysis of the "CUP" sought. There are no real conditions of approval being applied to the use proposed.

7. **The parking analysis does not make sense.**

As discussed above, the parking discussion demonstrates that the proposed use is a lumber yard--not retail. If this was a retail use, the parking requirements would be much greater--4 parking spaces for every 1,000 square-feet of building.

Further, the discussion of the number of parking spaces provided on-site is misleading. While the project proposes 286 parking spaces, there is no discussion of the location of those spaces. For example, it appears that nearly 60 spaces are behind gates. 108 of the spaces are on the roof of the building. As a condition of approval, the employees are to exclusively use the roof parking. (Staff Report, p. 13.) Elsewhere the Staff Report discusses that the "proposed facility would employ approximately 120

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employees at full capacity. . ." (Staff Report, p. 7.) This means that all of the roof parking would be taken by employees with some spilling over to the surface parking spaces. As discussed above, that means that there are really less than 50 parking spaces available for customers for the 99,516 square-foot of building in this project.

8. **The Ganahl Project does not comply with the FAR requirements of the Zoning Code.**

The proposed project does not comply with the FAR requirements. In an attempt to claim the project complies, the Staff Report includes a footnote explaining that the FAR calculation does not include the 6,672 square-foot "Pole Shed" because the "Pole Shed" is not an enclosed buildings. The Zoning Code does not provide such an exception to the FAR calculation.

9. **The Initial Study/Mitigated Negative Declaration does not consider the real impacts of the project.**

The Initial Study/Mitigated Negative Declaration is deficient. Its analysis is premised on the application of an incorrect zoning assumption--that the proposed project complies with the C-1 zoning. It does not consider the impacts to access to properties on the south side of Bristol caused by the project's proposed modifications to Bristol. It does not consider the light and glare impacts caused by the numerous reflective surfaces being added.

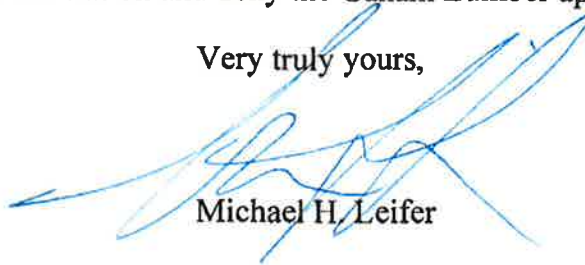
10. **Conclusion.**

To approve this proposed project would relieve Ganahl lumber of virtually all of the requirements of the Zoning Code that are applied, on a regular basis, to other property owners and users. The Ganahl lumber yard project cannot exist here. It is too big. It is too close to the street. There is no evidence to support the deviation from the Zoning Code.

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1072 Bristol Partners requests that the Planning Commission not adopt the Initial Study/Mitigated Negative Declaration and deny the Ganahl Lumber application.

Very truly yours,



Michael H. Leifer

MHL:ebn

cc: Brenda Green, City Clerk
Mel Lee, Senior Planner



County of Orange
California

James Campbell
Land Development Manager

March 6, 2015

Mr. Gary Armstrong
Economic and Development Services Director
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Subject: County's Selection of Ganahl for Lease and Development of 1100 Bristol

Dear Mr. Armstrong:

We wanted to provide to the City a history of the County's selection process and how we selected Ganahl Lumber Company ("Ganahl") as the primary for the lease and development of 1100 Bristol Street. You will notice that the selection process took time, was thorough, and our selection of Ganahl was based on a number of factors that we feel made their proposal the most suitable for the community and existing surrounding uses.

On April 15, 2013, OC Public Works/Real Estate Services, on behalf of the District, released a Request for Proposals ("RFP") to lease and develop the Property. The RFP was presented as a two-step process with step one (1) being a review and scoring of all proposals by an evaluation panel to establish a set of finalists, and step two (2) being a detailed analysis of those selected projects.

On September 17, 2013, the County Board of Supervisors ("Board") selected the finalists to be further evaluated for the leasing and development of the Property. The finalists were asked to provide supplemental information related to project development, financial data, and projected revenue. Those evaluations allowed staff to review and compare the proposed projects to determine the one most compatible with the Orange County Flood Control District's ("District") flood control operations while also maximizing lease revenue and minimize risk for the District.

On October 23, 2013, four supplemental proposals were submitted to the Clerk of the Board as requested in step two of the RFP process. During step two of the selection process, a six member evaluation panel reviewed and rated the supplemental proposals based on their responsiveness to the following criteria: Development Plan, Financial Viability and Background Data, Projected Revenue and Modifications to the Option Agreement and Lease. Interviews with all four (4) finalists were held on November 13, 2013. The evaluation panel scored Ganahl and Lyon significantly ahead of the two (2) hotel developers based on the scored criteria.

On December 17, 2013, the Board selected Ganahl as the primary and Lyon-NCA Bristol Venture, LLC as the alternate for the lease and development of the Property. The evaluation panel rated Ganahl the highest of the proposals for a number of reasons, some of which were based on their proposal involving less entitlement risk and a less restrictive lease compared to the other bidders.

Lyon-NCA Bristol Venture, LLC's proposal was selected as the alternate. Lyon proposed to develop 207 luxury apartments with an attractive rent structure, including a value appreciation incentive to the District. The proposal by Lyon would require a zone change and a general plan amendment by the City, thus the County recognized that this involves more entitlement risk compared to Ganahl's proposal.

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Additionally, Ganahl currently has an existing and permitted operation immediately adjacent to the District's property. The County felt that this only contributed to Ganahl's proposal being the least risky of the four proposals.

On April 29, 2014, the Board approved an Option Agreement between the County and Ganahl. Since last April, Ganahl has been working diligently with the County, the City, and Caltrans to ensure that their proposal is satisfactory to all agencies involved. Ganahl and the County continue to coordinate with Caltrans to address their requested improvements, particularly related to fencing around the perimeter of the project site. We believe Ganahl's proposed project is the most suitable for the site given the site's land use designation and zoning and that it would be the least intense development of the four proposals that the County received.

Please feel free to contact Channary Gould at 714-559-8461 or me at 714-227-1011 if you have any questions.

Sincerely,



James Campbell
Land Development Manager

c: Claire Flynn, Assistant Development Services Director, City of Costa Mesa
Mel Lee, Senior Planner, City of Costa Mesa